

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE)	
COMPANY'S PROPOSED VINTAGE ESSX AND)	CASE NO. 91-164
DIGITAL ESSX TARIFF)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed November 18, 1991 pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, for confidential protection of its responses to Items 1 and 8 of the Commission's data request dated October 8, 1991 on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell seeks approval of a proposed tariff for Vintage ESSX and Digital ESSX service. The information requested by the Commission which South Central Bell seeks to protect as confidential relates to revenue, demand, and contribution projections and cost support developed in connection with ESSX and Digital ESSX service. The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the information through all appropriate means.

One of the bases for protecting information as confidential under KRS 61.878 and 807 KAR 5:001, Section 7, is that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for ESSX service are providers of PBX equipment. PBX equipment provides the same features as those offered by South Central Bell's ESSX services. Disclosure of the information sought to be protected would allow providers of PBX equipment to determine South Central Bell's costs and contribution from ESSX service, which competitors could use to market their competing services to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with ESSX and Digital ESSX service and filed in response to Items 1 and 8 of the Commission's data request, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not open for public inspection.

Done at Frankfort, Kentucky, this 6th day of December, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director